

JOURNAL OF THE SENATE

EXTRAORDINARY SESSION

WEDNESDAY, JUNE 12, 1929

The Senate convened at 11 o'clock A. M., pursuant to adjournment on Tuesday, June 11, 1929.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of June 11, 1929, was corrected as follows:

On page 6, column 1, line 19, make the line read as follows:

"So the motion prevailed,"

On the same page and column insert between lines 19 and 20 the following:

"The question then recurred on the adoption of the amendment.

"Upon which a 'yea' and 'nay' vote was demanded.

"Upon call of the roll on the adoption of the amendment the vote was:

"Yeas—Senators Council, Dell, Futch, Gary, Glynn, Hinely, Howell, King, Knabb, Malone, McCall, Mitchell, Phillips, Stewart, Turnbull, Turner, Waybright, Welsh, Whitaker—19.

"Nays—Mr. President, Senators Anderson, Bell, Harrison, Hodges, Irby, Johns, Neel, Putnam, Rowe, Scales, Singletary, Swearingen, Taylor, Wagg, Watson, Young—17.

"So the substitute amendment offered by Senator Phillips was adopted."

And as corrected was approved.

REPORT OF ENROLLING COMMITTEE

Senator Dell, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 12, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(Senate Bill No. 19):

An Act to authorize a levy and collection of a special tax in counties having a population of not less than seventy-nine thousand nor more than eighty thousand, according to the last official State census, for the purpose of providing protection against dangerous insect pests in said counties, and to provide for the expenditure of said tax and the transfer of any other fund or funds in the county treasury of said counties to be used until the proceeds of said tax shall become available.

Also—

(Senate Bill No. 22):

An Act to authorize the State Treasurer to pay the State's proportion of the cost of constructing sidewalks and paving streets adjacent to its property in the City of Tallahassee, and making an appropriation for the purpose.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

J. MAXEY DELL,
Chairman of the Joint Committee on Enrolled Bills
on the Part of the Senate.

The bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open ses-

sion and ordered referred to the Joint Committee on Enrolled Bills on the Part of the Senate, to be conveyed to the Governor for his approval.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Senator Phillips, Chairman of the Committee on Engrossed Bills of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 12, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—
Senate Bill No. 72:

A bill to be entitled An Act relating to and concerning taxation; amending Section 1 of Chapter 10040, Laws of Florida, Acts of 1925, being Section 894 of the Compiled General Laws of Florida and relating to and concerning taxation, amending sections 741, 756, 757, 759, 761, 762, 766, 770, 775 and 779 of the Revised General Statutes of Florida, being respectively, Sections 950, 969, 970, 972, 974, 975, 981, 985, 992 and 1003, of the Compiled General Laws of Florida; and all of which relate to and concern taxation; amending Section 2 of Chapter 7806, Laws of Florida, Acts of 1919, being Section 994 of the Compiled General Laws of Florida, relating to and concerning taxation; providing for the foreclosure in equity of tax sale certificates and deeds and for the procedure in such cases; providing who shall bring such suits upon behalf of the State; providing for the creation for each county of a delinquent tax adjustment board; prescribing the powers and duties of such board and for appeals from orders entered by such board; providing for the creation of a delinquent tax adjustment board of appeals and prescribing the powers and duties of such board; providing for the compromise and adjustment of tax sale certificates held by the State upon certain conditions; with the following amendments:

In Section 9, page 13, line 9, immediately following the words "but not less than five (5%) per cent of the face of the certificate", add the following: "Interest on lands which shall be struck off to the State in the year 1929 and thereafter shall be at the rate of eighteen (18%) per cent per annum for the first year and ten (10%) per cent per annum for the second year and eight (8%) per cent per annum thereafter but not less than five (5%) of the face of the certificate".

In Section 11, page 16, line 16 (printed bill), strike out the words "such interest on lands sold in the year 1929 and thereafter shall be at the rate per annum bid by the purchaser for the first year, not in excess of eighteen (18%) per cent per annum, and ten (10%) per cent for annum for the second year and eight (8%) per cent per annum thereafter", and insert in lieu thereof the following: "Such interest on lands sold in the year 1929 and thereafter shall be at the rate of eighteen (18%) per cent per annum for the first year and ten (10%) per cent per annum for the second year and eight (8%) per cent per annum thereafter".

In Section 13, line 4 (printed bill), strike out the words and figures "September 2nd, 1929", and insert in lieu thereof the following: "January 1st, 1930".

In Section 42, line 12, strike out all after the words "court house", and down to the word "of" in line 14.

In Section 42, line 23, add the following after the word "taxes": "Upon payment of such unpaid or omitted taxes".

Strike out Section 44 and insert in lieu thereof the following: "Section 44. All laws or parts of laws in conflict herewith are hereby repealed, but nothing herein shall be deemed to repeal an Act of the Legislature of Florida, regular session of 1929, known as Senate Bill No. 129, relating to the redemption of Tax Sale Certificates held by the State, upon the payment of the principal thereof, plus interest at the rate of eight per cent per annum, but all of the provisions of this Act shall be deemed to be cumulative thereto".

In Section 42, line 7, after the word "sale", add: "and all subsequent and omitted taxes due".

Also—

Senate Bill No. 37:

A bill to be entitled An Act to define, establish and fix a definite policy and plan for the development of road and highway beautification and conservation, making it a part of and the inclusion of it in all road construction building programs of the State Road Department and of the county roads under boards of county commissioners of Florida; fixing uniform and standard right of ways; providing funds for the work; creating the position of "Director of Conservation", defining his duties, salary and the manner of his appointment; with the following amendments:

In Section 9, strike out the first five lines of Section 9.

In line 6 of Section 9, after the words "for roads", insert the following: "Under consideration for construction or".

Beg leave to report that the same have this day been examined and the above bills have been properly engrossed.

Very respectfully,

W. W. PHILLIPS,

Chairman of the Committee on Engrossed Bills.

And Senate Bills Nos. 72 and 37, contained in the above report, were ordered to be certified to the House of Representatives.

REPORTS OF COMMITTEES

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,

Tallahassee, Fla., June 12th, 1929

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 98:

A bill to be entitled An Act to impose special license tax upon the business conducted by itinerant merchants in the State of Florida and providing for the collection of such tax and the enforcement of the same.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

ALFRED H. WAGG,

Chairman of Committee.

And Senate Bill No. 98, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Also—

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,

Tallahassee, Fla., June 12th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 102:

A bill to be entitled An Act to provide for raising revenue sufficient to defray the expenses of the State for each of the fiscal years 1929 and 1930; to provide for the levy of taxes in the several counties for said years, and making certain provisions for the enforcement of the collection of such taxes.

Have had the same under consideration, and recommend that the same do pass with the following amendment:

Section 3, line 15, strike out the words "eight mills" and insert in lieu thereof the following: "ten mills."

Very respectfully,

ALFRED H. WAGG,

Chairman of Committee.

And Senate Bill No. 102, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Also—

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,

Tallahassee, Fla., June 12, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 99:

A bill to be entitled An Act imposing license taxes upon lubricating oils and providing methods for the collection of said tax and for the enforcement of the collection of said tax.

Have had the same under consideration, and recommend that the same do pass with the following amendments:

Wherever the words "tax of 10c per gallon" occur in the bill, strike out the words "10c per gallon" and insert in lieu thereof, "5c per gallon".

At the end of Section 3, strike out the words. "The remainder of the proceeds of the special tax hereby imposed shall be transferred to the State Treasury to the credit of the General Revenue Fund of the State of Florida to be disbursed as a part thereof, for such purposes as may be provided for by law", and insert in lieu thereof, the following:

"The remainder of said proceeds of the special tax imposed by this Act or collected hereunder shall be transferred to the State Treasury to the credit of the Permanent Building Fund of State Institutions of Higher Learning, Experiment Station, and other institutions under the management of the State Board of Control to be expended as provided for by Chapter 12012, Acts of 1927, Laws of Florida, relating to the raising of special revenue for the purposes of education."

At the end of the first paragraph of Section 1, of the bill insert the following:

"In like manner every person, firm or corporation in the State of Florida receiving and keeping in storage in this State for a period of twenty-four hours or more after the same shall have lost its character as interstate commerce, any lubricating oils, or other like products under whatever name designated for domestic use or otherwise in the State of Florida, shall be deemed to have applied for and obtained a license under this Act for the storage of said lubricating oils, or other like products under whatever name designated in this State, and such person, firm or corporation so keeping such lubricating oils, or other like products under whatever name designated in this State for a period of twenty-four hours or more after such products have lost their interstate commerce character shall pay a license tax for the same at the rate of 5c per gallon for each gallon of lubricating oils or other like products under whatever name designated, which tax shall be enforced and collected as other taxes provided for in this Act.

"If any section, clause, or other portion of this Act relating to the imposition and collection of taxes hereby imposed shall be found invalid, unconstitutional or unenforceable, it is hereby declared that it was the intention and purpose of the Legislature to enact this law irrespective of such invalid, unconstitutional or unenforceable portion, and the remainder of this Act which is found to be valid shall not be affected by any such holding or decision."

Strike out Section 7 and insert in lieu thereof the following:

"Section 7. This Act shall take effect July 1st, 1929.

Very respectfully,

ALFRED H. WAGG,

Chairman of Committee.

INTRODUCTION OF RESOLUTIONS

By Senator Waybright—

Senate Concurrent Resolution No. 3:

WHEREAS, this Extraordinary Session of the Legislature duly convened pursuant to proclamation of the Governor on June 1st, 1929, and

WHEREAS, the purpose for which this Extraordinary Session of the Legislature was convened should be completed and will likely be completed by June 15th, 1929, therefore,

BE IT RESOLVED by the Senate, the House of Representatives concurring, that this Extraordinary Session of the Florida Legislature shall adjourn sine die at twelve o'clock noon on Friday, June 14th, 1929.

Which was read the first time in full.

Senator Waybright moved that the rules be waived and Senate Concurrent Resolution No. 3 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 3 was read a second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to, and the Concurrent Resolution was adopted.

And the same was ordered to be certified to the House of Representatives under the rule.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS.

By a two-thirds vote permission was given to Senator Futch of the 23rd District to introduce and have considered the following bill:

Senate Bill No. 107:

A bill to be entitled An Act to fix the pay of the members, officers and attaches of the Extraordinary Session of the Legislature of the State of Florida, convened June 1, 1929; providing for certain expenses and making appropriation for the same.

Which was read the first time by its title only.

Senator Futch moved that the rules be waived and Senate Bill No. 107 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 107 was read a second time in full.

Senator Futch moved that the rules be further waived and Senate Bill No. 107 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 107 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hodges, Howell, Irby, Johns, Knabb, McCall, Neel, Putnam, Rowe, Scales, Singletary, Stewart, Turnbull, Turner, Watson, Waybright, Welsh, Whitaker, Young—30.

Nays—None.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

By unanimous consent, Senate Bill No. 106 was withdrawn.

By a two-thirds vote permission was given to Senator Waybright of the 18th District to introduce and have considered the following bill:

Senate Bill No. 108:

A bill to be entitled An Act granting a special pension to Mrs. Margaret Elizabeth Hernandez, of Duval County, Florida.

Which was read the first time by its title and placed on the Calendar of Bills on Second Reading without reference, the rules having been waived.

By a two-thirds vote permission was given to Senator Waybright of the 18th District to introduce and have considered the following bill:

Senate Bill No. 109:

A bill to be entitled An Act to amend Section 7059 of the Compiled General Laws of Florida by providing that proof of injury or death caused by the persons, firms and corporations therein described, their agents and servants, shall be prima facie evidence of negligence of such persons, firms and corporations, their agents and servants.

Which was read the first time by its title and referred to the Committee on Miscellaneous Legislation.

By a two-thirds vote permission was given to Senator Waybright of the 18th District to introduce and have considered the following bill:

Senate Bill No. 110:

A bill to be entitled An Act to amend Section 7051 of the Compiled General Laws of Florida by providing that proof of injury caused by a railroad company shall be prima facie evidence of negligence upon its part.

Which was read the first time by its title and referred to the Committee on Miscellaneous Legislation.

By a two-thirds vote permission was given to Senator Singletary of the 4th District to introduce and have considered the following bill:

Senate Bill No. 111:

A bill to be entitled An Act authorizing the justices of the Supreme Court to call to their assistance in Tallahassee one or more circuit judges to aid in the preparation of opinions and the disposition of causes in the Supreme Court, and making appropriations for the expenses of such circuit judges and clerical assistance in performing such services.

Which was read the first time by its title only.

Senator Singletary moved that the rules be waived and Senate Bill No. 111 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 111 was read a second time in full.

Senator Singletary moved that the rules be further waived and Senate Bill No. 111 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 111 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Bell, Caro, Council, Dell, Glynn, Hinely, Howell, Johns, Knabb, McCall, Neel, Putnam, Rowe, Scales, Singletary, Taylor, Turnbull, Turner, Watson, Waybright, Welsh, Young—24.

Nays—Senators Adams, Futch, Gary, Harrison, Hodges, Irby, Malone, Phillips, Stewart, Swearingen, Wagg, Whitaker—12.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

By a two-thirds vote permission was given to Senator Young of the 33rd District to introduce and have considered the following bill:

Senate Bill No. 112:

A bill to be entitled An Act relating to drainage and reclamation districts in the State of Florida; authorizing the governing board or commission of each drainage or reclamation district in the State of Florida to adjust and compromise tax sale certificates held by said board or commission or district issued in the year 1928 or prior years within a certain time; providing for the making of applications, the entry of orders and the procedure in connection with such compromise or adjustment.

Which was read the first time by its title only.

Senator Young moved that the rules be waived and Senate Bill No. 112 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 112 was read a second time in full.

Senator Whitaker offered the following amendment to Senate Bill No. 112:

Insert at the end of the title the following: "Providing certain exceptions".

Senator Whitaker moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Whitaker offered the following amendment to Senate Bill No. 112:

At the end of Section 3 insert the following:

"Provided, however, that none of the provisions of this Act shall apply to any drainage district where the validity of such district or where the bonds or the right to collect drainage tax is being contested in any court, or where the Supreme Court has held invalid for any reason any such district, and this Act shall not be deemed to validate or confirm the creation of any drainage district or the bonds issued by any such district.

Senator Whitaker moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Young moved that the rules be further waived and Senate Bill No. 112, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 112, as amended, was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Council, Dell, Futch, Glynn, Harrison, Hodges, Irby, Knabb, Malone, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—29.

Nays—None.

So the bill passed, as amended.

And the same was ordered referred to the Committee on Engrossed Bills, then to be certified to the House of Representatives.

By a two-thirds vote permission was given to Senator Dell of the 32nd District to introduce and have considered the following bill:

Senate Bill No. 113:

A bill to be entitled An Act granting pension to Mrs. Frances Margaret Youngblood, widow of John G. Youngblood.

Which was read the first time by its title only.

Senator Dell moved that the rules be waived and Senate Bill No. 113 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 113 was read a second time in full.

Senator Dell moved that the rules be further waived and Senate Bill No. 113 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 113 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Bell, Dell, Futch, Gary, Glynn, Hinely, Hodges, Howell, Irby, Johns, Knabb, Malone, McCall, Mitchell, Putnam, Singletary, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Waybright, Whitaker, Young—27.

Nays—Senator Anderson—1.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

Senator Waybright moved that the rules be waived and the Senate do now take up the consideration of Senate Bill No. 108 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 108:

A bill to be entitled An Act granting a special pension to Mrs. Margaret Elizabeth Hernandez, of Duval County, Florida.

Was taken up out of its order and read a second time in full.

Senator Waybright moved that the rules be further waived and Senate Bill No. 108 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 108 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Bell, Council, Dell, Gary, Glynn, Hinely, Howell, Irby, Johns, Knabb, Mitchell, Putnam, Rowe, Scales, Swearingen, Taylor, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be immediately certified to the House of Representatives, the rule having been waived.

Senator Young moved that 200 copies of Senate Bill No. 87 be ordered printed.

Which was agreed to and so ordered.

Senator Malone moved that 200 copies of Senate Bill No. 49 be ordered printed.

Which was agreed to and so ordered.

Senator Hodges moved that the rules be waived and the Senate do now take up the consideration of Senate Bill No. 9 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 9:

A bill to be entitled An Act to provide for the selection of uniform text books for elementary and high schools of the State of Florida; amending Sections 1, 2, 3, 4, 6, 7, 8 and 20, of Chapter 8500, Acts of 1921, Laws of Florida, providing for the creation of a State School Book Commission to procure a uniform series of text books for use in the elementary and high schools of the State of Florida, and repealing Sections 688, 689 and 690 of the Revised General Statutes of Florida, relating to the text book commission of the State of Florida, being a repeal of Sections 849, 850 and 851, and an amendment of Sections 852, 853, 854, 855, 857, 858, 859 and 870 of the Compiled General Laws of 1927, relating to uniform text books.

Was taken up out of its order and read a second time in full.

Senator Hodges offered the following amendment to Senate Bill No. 9:

Title of Bill, line 14 after the figures 851 add the figures 863. Senator Hodges moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Senator Hodges offered the following amendment to Senate Bill No. 9:

Strike out all of Section 5 and insert in lieu thereof the following:

Section 5. That Section 4 of Chapter 8500, Acts of 1921, Laws of Florida, relating to the selection of uniform text-books, being Section 855, Compiled General Laws of Florida, be, and the same is hereby amended so as to read, as follows:

"855. Sub-Commissions. Three sub-commissions are hereby created to be known, respectively, as the Elementary Book Sub-Commission, the Junior High School Book Sub-Commission and the Senior High School Book Sub-Commission, at least two months prior to the date set by the Book Commission for the filing of sample books by bidders and publishers, the Governor shall appoint, upon the nomination of the State Superintendent of Public Instruction, the said sub-commission then next to make a selection of books, to be composed of seven prominent educators, who have been actually engaged in school work in this State for not less than three years. The words "sub-commission" as used in this chapter shall mean and apply to each of the aforesaid three sub-commissions, severally.

The duties, powers and term of service of the sub-commissions herein created shall terminate with the filing of their reports.

The Governor is hereby authorized to remove any member of any sub-commission for cause, or to fill, upon the nomination of

the State Superintendent of Public Instruction, any vacancy occurring thereon.

No two of said sub-commission shall make an election of books under this chapter in the same year.

Senator Hodges moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Senator Hodges offered the following amendment to Senate Bill No. 9:

At the end of Section 10 add the following section:

"Sec. 11. That Section 15, Chapter 8500, Acts of 1921, Laws of Florida, the same being Section 866, Compiled General Laws of Florida, be, and the same is hereby amended to read as follows:

"866. BOOK DEPOSITORIES.—Such school books as are adopted by the several County Boards of Public Instruction, not supplied free by the State, shall be sold to and paid for by such County Boards of Public Instruction, at the net wholesale contract price, f. o. b. shipping point, and shall be sold and distributed by or under the direction of said County Boards of Public Instruction at such advance in price, not greater than ten per cent. of the said wholesale price. Payments for books purchased by said County Boards of Public Instruction shall be made from any funds on hand, and all moneys received from the re-sale of such books shall be paid back into the fund from which said moneys were withdrawn. Such school books as are furnished free by the State shall be purchased by the State Board of Education direct from the publishers at the net wholesale contract price, plus transportation charges, and shipped to such County Boards of Public Instruction as may be directed by said State Board of Education.

Senator Hodges moved the adoption of the amendment.

Pending the consideration of the amendment offered by Senator Hodges, Senator Stewart moved that when the Senate do adjourn it take a recess until 3 o'clock P. M., this day.

Which was agreed to.

Pending the consideration of the amendment offered by Senator Hodges, the hour of adjournment under the rule having arrived, a point of order was called and the Senate took a recess at 1 o'clock P. M., until 3 o'clock P. M. this day.

AFTERNOON SESSION

The Senate convened at 3:00 o'clock P. M., pursuant to recess order.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

A quorum present.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Senator Phillips, Chairman of the Committee on Engrossed Bills of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 12, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—
Senate Bill No. 112:

A bill to be entitled An Act relating to drainage and reclamation districts in the State of Florida; authorizing the governing board or commission of each drainage or reclamation district in the State of Florida to adjust and compromise tax sale certificates held by said board or commission or district issued in the year 1928 or prior years within a certain time; providing for the making of applications, the entry of orders and the procedure in connection with such compromise or adjustment, providing certain exceptions; with the following amendments:

Insert at the end of the title the following: "Providing certain exceptions".

At the end of Section 3 insert the following: "Provided, however, that none of the provisions of this Act shall apply to any drainage district where the validity of such district, or where the bonds or the right to collect drainage tax is being contested in any court or where the Supreme Court has held invalid for any

reason any such district and this act shall not be deemed to validate or confirm the creation of any drainage district or the bonds issued by any such district.

Reg leave to report that the same has this day been examined and the above bill has been properly engrossed.

Very respectfully,

W. W. PHILLIPS,

Chairman of the Committee on Engrossed Bills.

And Senate Bill No. 112, contained in the above report, was ordered to be certified to the House of Representatives.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Dell, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 12, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:
Your Joint Committee on Enrolled Bills, to whom was referred—

(Senate Bill No. 19):

An Act to authorize a levy and collection of a special tax in counties having a population of not less than seventy-nine thousand nor more than eighty thousand, according to the last official State census, for the purpose of providing protection against dangerous insect pests in said counties, and to provide for the expenditure of said tax and the transfer of any other fund or funds in the county treasury of said counties to be used until the proceeds of said tax shall become available.

Also—

(Senate Bill No. 22):

An Act to authorize the state treasurer to pay the State's proportion of the cost of constructing sidewalks and paving streets adjacent to its property in the City of Tallahassee, and making an appropriation for the purpose.

Reg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

J. MAXEY DELL,

Chairman of the Joint Committee on Enrolled Bills
on the Part of the Senate.

Senator Dell, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 12th, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:
Your Joint Committee on Enrolled Bills, to whom was referred:
House Bill No. 15:

An Act for the relief of Home Mission Boards of Southern Baptist Convention on account of taxes unlawfully collected.

Have examined the same and find it correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the State.

Very respectfully,

J. MAXEY DELL,

Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

The consideration of the amendment offered by Senator Hodges on Senate Bill No. 9, which was pending at the hour of recess this morning, was resumed, being again read as follows:

At the end of Section 10 add the following Section:

Section 11. That Section 15, Chapter 8500, Acts of 1921, Laws of Florida, the same being Section 866, Compiled General Laws of Florida, be, and the same is hereby amended to read as follows: "866. Book Depositories.—Such school books as are adopted by the several County Boards of Public Instruction, not supplied free by the State, shall be sold to and paid for by such County Boards of Public Instruction, at the net wholesale contract price, less shipping point, and shall be sold and distributed by or under the direction of said County Boards of Public Instruction at such advance in price, not greater than ten per cent. of the said

wholesale price. Payments for books purchased by said County Boards of Public Instruction shall be made from any funds on hand, and all moneys received from the re-sale of such books shall be paid back into the fund from which said moneys were withdrawn. Such school books as are furnished free by the State shall be purchased by the State Board of Education direct from the publishers at the net wholesale contract price, plus transportation charges, and shipped to such County Boards of Public Instruction as may be directed by said State Board of Education.

Senator Hodges having moved the adoption of the amendment. Which was not agreed to, and the amendment was rejected.

Senator Hodges moved that the rules be further waived and Senate Bill No. 9 as amended be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 9 as amended was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Gary, Glynn, Harrison, Hinely, Hodges, Irby, King, Mitchell, Phillips, Putnam, Taylor, Turnbull, Wagg, Waybright—15.

Nays—Senators Bell, Caro, Council, Dell, Futch, Howell, Johns, McCall, Neel, Rowe, Scales, Singletary, Stewart, Swearingen, Turner, Welsh, Whitaker, Young—18.

So the Bill failed to pass.

By a two-thirds vote permission was given to Senator Young of the 33rd District to introduce and have considered the following bill:

Senate Bill No. 114:

A bill to be entitled An Act imposing certain license and privilege taxes, providing for the payment thereof, and prescribing penalties for doing business without a license, or other failure to comply with the provisions thereof.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By a two-thirds vote permission was given to Senator Stewart of the 16th District to introduce and have considered the following bill:

Senate Bill No. 115:

A bill to be entitled An Act to legalize, ratify, validate and confirm the bonds of Special Tax School District No. 3 of Nassau County, Florida, to the amount of \$15,000.00, payable as follows: \$500.00 each year beginning A. D. 1932 to A. D. 1953, both inclusive; and one thousand (\$1,000.00) dollars each year beginning A. D. 1954 to A. D. 1957, both inclusive, and being finally payable 27 years from date of issuance, such bonds bearing interest at the rate of 6% per annum, payable semi-annually, both principal and interest being payable at the National Bank of Commerce in the City of New York and State of New York, which bonds have been heretofore authorized and provided for by said Special Tax School District No. 3.

Which was read the first time by its title only.

Senator Stewart moved that the rules be waived and Senate Bill No. 115 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 115 was read a second time by its title only.

Senator Stewart moved that the rules be further waived and Senate Bill No. 115 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 115 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

By a two-thirds vote permission was given to Senator Stewart of the 16th District to introduce and have considered the following bill:

Senate Bill No. 116:

A bill to be entitled An Act to legalize, ratify, validate and confirm the bonds of Special Tax School District No. 1 of Nassau County, Florida in the amount of \$20,000.00, payable as follows: One thousand (\$1,000.00) dollars each year beginning A. D. 1932 to A. D. 1951, both inclusive, and being finally payable twenty-

three years from date of issuance, such bonds bearing interest at the rate of six per cent (6%) per annum payable semi-annually, both principal and interest being payable at the National Bank of Commerce in the City of New York and State of New York, which bonds have been heretofore authorized and provided for by said Special Tax School District No. 1.

Which was read the first time by its title only.

Senator Stewart moved that the rules be waived and Senate Bill No. 116 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 116 was read a second time by its title only.

Senator Stewart moved that the rules be further waived and Senate Bill No. 116 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 116 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

By a two-thirds vote permission was given to Senator King of the 19th District to introduce and have considered the following bill:

Senate Bill No. 117:

A bill to be entitled An Act to provide for the levy and collection of an annual license tax on all foreign and domestic corporations and associations doing business for profit in the State of Florida; to provide for an annual report of all such corporations doing business in said State, and for the assessment and collection of said tax, and to prescribe penalties for the violation of the provisions of this Act.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By a two-thirds vote permission was given to Senator Turner of the 21st District to introduce and have considered the following bill:

Senate Bill No. 118:

A bill to be entitled An Act transferring all or that portion of the one cent gasoline tax now or hereafter appropriated, to all counties having a population of not less than 10,625 and not more than 10,640 according to the 1925 census, for road purposes, to the common school fund of said counties.

Which was read the first time by its title only.

Senator Turner moved that the rules be waived and Senate Bill No. 118 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 118 was read a second time by its title only.

Senator Turner moved that the rules be further waived and Senate Bill No. 118 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 118 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

By a two-thirds vote permission was given to Senator Turner of the 21st District to introduce and have considered the following bill:

Senate Bill No. 119:

A bill to be entitled An Act to validate, ratify and confirm the issuance and sale of forty-one thousand (\$41,000.00) dollars of street improvement bonds of the City of Cedar Key, Levy County, Florida, as provided by resolution number twelve, passed by

the City Council of the City of Cedar Key, Florida, in special session August 8, 1928, and published on August 10, 1928, and posted on August 9, 1928, the same being seventy (70%) per cent of the proposed bond issue, as provided in said resolution, and to ratify, approve and confirm and make legal the other thirty (30%) per cent of said proposed bond issue not provided for in said resolution number twelve, aforesaid.

Which was read the first time by its title only.

Senator Turner moved that the rules be waived and Senate Bill No. 119 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 119 was read a second time by its title only.

Senator Turner moved that the rules be further waived and Senate Bill No. 119 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 119 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

By a two-thirds vote permission was given to Senator McCall of the 30th District to introduce and have considered the following bill:

Senate Bill No. 120:

A bill to be entitled An Act providing for the valuation and registration of policies of life insurance companies and for deposits by certain domestic insurance companies and for the approval of certain policy forms.

Which was read the first time by its title only.

Senator McCall moved that the rules be waived and Senate Bill No. 120 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 120 was read a second time in full.

Senator McCall moved that the rules be further waived and Senate Bill No. 120 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 120 was read a third time in full.

By unanimous consent further consideration of Senate Bill No. 120 was temporarily passed over and the bill retained its place on the Calendar of Bills on Third Reading.

By a two-thirds vote permission was given to Senator Phillips of the 14th District to introduce and have considered the following bill:

Senate Bill No. 121:

A bill to be entitled An Act granting a pension to J. Lee Smith, of Columbia County, Florida.

Which was read the first time by its title only.

Senator Phillips moved that the rules be waived and Senate Bill No. 121 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 121 was read a second time in full.

Senator Phillips moved that the rules be further waived and Senate Bill No. 121 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 121 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Bell, Caro, Futch, Gary, Harrison, Hodges, Howell, Irby, Johns, King, McCall, Mitchell, Phillips, Putnam, Stewart, Swearingen, Taylor, Turner, Wagg, Waybright, Welsh, Whitaker, Young—24.

Nays—Senators Anderson, Glynn, Rowe, Singletary and Turnbull—5.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

By a two-thirds vote permission was given to Senator Swearingen of the 7th District to introduce and have considered the following bill:

Senate Bill No. 122:

A bill to be entitled An Act for the relief of N. A. Winn, Constable of District No. 11 of Polk County, Florida, from liability for accounting for the sum of \$60.00 in bond money deposited by him with the First National Bank of Lakeland, Florida, which closed its doors and to provide for the refund of said bond money to the person making deposit of the same.

Which was read the first time by its title only.

Senator Swearingen moved that the rules be waived and Senate Bill No. 122 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 122 was read a second time by its title only.

Senator Swearingen moved that the rules be further waived and Senate Bill No. 122 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 122 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

Senator Taylor moved that the rules be waived and the Senate do now take up the consideration of Senate Bill No. 24 out of its order.

Upon which a "yea" and "nay" vote was demanded.

Upon call of the roll on the motion of Senator Taylor the vote was:

Yeas—Senators Anderson, Bell, Caro, Futch, Glynn, Harrison, Hodges, Howell, Irby, Johns, King, McCall, Mitchell, Neel, Phillips, Rowe, Stewart, Swearingen, Taylor, Turnbull, Turner, Watson, Young—23.

Nays—Mr. President, Senators Dell, Gary, Putnam, Singletary, Waybright, Whitaker, Young—3.

So the motion prevailed.

And—

Senate Bill No. 24:

A bill to be entitled An Act to provide for, regulate and license race meetings, and legalizing the pari-mutuel system of wagering in connection therewith, in the State of Florida; to provide for the appointment of a State Racing Commission; prescribing the duties and fixing the compensation of the members thereof; to provide for elections to make effective the provisions of this Act, and to provide penalties for its violation.

Was taken up out of its order and read a second time by its title only.

Senator Taylor moved that the Committee Substitute for Senate Bill No. 24 be taken up and read the first time in full.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 24 was read the first time in full.

Senator Taylor moved that the rules be waived and Committee Substitute for Senate Bill No. 24 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 24 was read a second time in full.

Senator Taylor moved that the bill offered by the Committee be substituted for Senate Bill No. 24.

Which was agreed to.

And the Committee Substitute assumed the place of Senate Bill No. 24 on the Calendar.

Senator Bell offered the following amendment to Committee Substitute for Senate Bill No. 24:

Strike out all of Sections 17 and 18 and insert in lieu thereof the following:

Section 17. This Act shall not take effect or become operative unless and until the same shall be ratified and approved by the affirmative vote of a majority of the qualified electors of the State of Florida voting upon the same in the next general election of the State of Florida, to be held in November, 1930, at and in which said next general election there shall be printed on the official ballot used in said election the full title of this Act in such manner, and under such directions as proposed

Constitutional Amendments are submitted to be voted upon by the qualified electors, so as to enable qualified electors voting in said election to vote for or against the ratification or approval of the same, and it shall be the duty of all legally constituted authorities of this State and of each and every county, charged by law with the duty of providing for the holding of general elections to fully carry out the provisions of this section of this Act in strict compliance with all the general election laws of this State; to cause to be published the full text of this Act once a month for three consecutive months next preceding said general election in a daily or weekly newspaper of general circulation published in each of the several counties of this State, and if no newspaper of general circulation be published in any county, then a copy of the full text of this Act shall be posted in at least one conspicuous place in each election district of such county, and one copy shall be posted at the court house door of such county, not less than sixty (60) days prior to the date of said general election. The vote cast both for and against the ratification and approval of this Act shall be canvassed and determined, and due returns thereof made, and the result declared and recorded, in the same manner and in all respects as provided by law for determining the results of elections for the ratification or rejection of proposed Constitutional Amendments.

Section 18. This Act shall become effective and operative for the purpose of submitting the same to the qualified electors of the State of Florida for ratification or rejection as hereinabove provided, upon its passage and approval by the Governor (or upon its said submission without the approval of the Governor) and shall become law, and in full force, effect and operation upon its ratification and approval by a majority of the qualified electors of the State of Florida voting to ratify and approve the same as hereinabove provided, otherwise this Act shall not become law.

Section 19. Should this Act become law by ratification of the qualified electors of the State of Florida as hereinabove provided, then, and in that event only, all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Senator Bell moved the adoption of the amendment.

Upon which a "yea" and "nay" vote was demanded.

Upon call of the roll on the adoption of the amendment the vote was:

Yeas—Mr. President, Senators Bell, Gary, Glynn, Irby, Rowe, Turnbull, Waybright, Welsh, Whitaker—10.

Nays—Senators Adams, Anderson, Caro, Council, Hodges, Howell, Johns, McCall, Mitchell, Neel, Phillips, Putnam, Scales, Singletary, Stewart, Taylor, Turner, Watson, Young—19.

Senator Dell made the following announcement:

I am paired with Senator Malone. If he were present he would vote "nay" and I would vote "aye".

So the amendment was rejected.

Senator Singletary moved that the further consideration of Committee Substitute for Senate Bill No. 24 be temporarily passed over.

Senator McCall moved as a substitute motion that the rules be waived and Committee Substitute for Senate Bill No. 24 be read a third time in full and put upon its passage.

Upon which a "yea" and "nay" vote was demanded.

Upon call of the roll on the motion of Senator McCall the vote was:

Yeas—Senators Anderson, Council, Glynn, Hinely, Hodges, Howell, Johns, McCall, Mitchell, Neel, Phillips, Scales, Stewart, Swearingen, Taylor, Turnbull, Turner, Watson, Young—19.

Nays—Mr. President, Senators Caro, Gary, Irby, Putnam, Rowe, Singletary, Waybright, Welsh, Whitaker—10.

Senator Bell made the following announcement:

Senators Adams and Bell are paired on the passage of the bill and all amendments. On every vote where Bell votes "yes" Adams, if present, would vote "no".

Senator Dell made the following announcement: I am paired with Senator Malone. Were he present and voting he would vote "yea", and I would vote "nay" on the motion.

So the motion did not prevail.

The question then recurred on the motion of Senator Singletary.

Which was not agreed to.

Senator Gary offered the following amendment to Committee Substitute for Senate Bill No. 24:

In Section 4, lines 4 and 5 (printed bill), strike out the words "for race meetings and against race meetings", and insert in lieu thereof the following: "for legalizing race track gambling" and "against legalizing race track gambling".

Senator Gary moved the adoption of the amendment.

Which was not agreed to.

And the amendment was rejected.

Senator Waybright offered the following amendment to Committee Substitute for Senate Bill No. 24:

In Section 13, (printed bill), strike out all of Section 13 and insert in lieu thereof the following: "Any officer, Commissioner or other person having custody or charge of any moneys mentioned in this Act and shall fail to remit or pay over to the proper officers the amount of tax herein provided such officer,

commissioner or person shall be deemed guilty of embezzlement and punished as provided by law for such offense."

Senator Waybright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Taylor moved that the rules be further waived and Committee Substitute for Senate Bill No. 24, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 24, as amended, was read a third time in full.

Pending the further consideration of Committee Substitute for Senate Bill No. 24 Senator Turnbull moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 5:53 o'clock P. M., until 11:00 o'clock A. M., Thursday, June 13, 1929.